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| 09/295,577 | 04/22/1999 | RICHARD ARTHUR HALAVAIS | | 7340 |

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EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT PAPER NUMBER

3626

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/295,577

Applicant(s)

HALAVAIS ET AL.

Examiner

Luke Gilligan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 11, 16, 17 and 24-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 11, 16-17, and 24-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. In the amendment filed 3/28/06, the following has occurred: claims 1, 24, and 30 have been amended. Now, claims 1-4, 6, 11, 16-17, and 24-34 are presented for examination.
2. The Examiner withdraws the previous rejections under 35 U.S.C. 103, in view of Huegel, in view of changes made by Applicants to the claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6, 16-17, and 24-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helbling et al., U.S. Patent No. 5,797,126 in view of Kay, U.S. Patent No 6,223,166.
5. As per claim 1, Helbling teaches a method comprising: a) communicating on demand, from a central computer through a network to a device connected to the network information from a database populated by a multiplicity of entries denoting availability for a venue (see column 5, lines 38-40); b) displaying the information including a plurality of available individual seats at the venue such that an end user connected to the network can view the information on a client node unaffiliated with the central computer as an aid in determining a specific individual seat conforming to a need of the end user (see column 5, lines 46-48 and column 4, lines 35-38); c) providing over the network to the end user the capability of interactively selecting the specific individual seat from among the plurality of individual seats displayed (see column 5, lines 49-52); d) receiving from the end user a selection of the specific individual seat (see

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column 5, lines 49-52); e) accepting over the network from the end user a payment for the seat (see column 5, lines 54-55); f) returning over the network to the end user verification of the successful completion of the payment (see column 5, lines 56-61).

6. Although the central station of Helbling appears to function as a server and the network of central station and kiosks appears to function as a wide area network, Helbling does not *explicitly* teach that communication is performed with a server via a wide area network.

However, Kay teaches a wide area network (Internet) in which a client communicates with a server to remotely purchase tickets to an event (see column 3, lines 27-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a wide area network architecture into the system of Helbling. One of ordinary skill in the art would have been motivated to incorporate such a network architecture for the purpose of enhancing the ease of access and providing more widely available access to the information supplied by Helbling (see column 3, lines 16-22 of Helbling) through an Internet-based architecture as described by Kay.

7. As per claim 2, Helbling in view of Kay teach the method of claim 1 as described above. Helbling further teaches the seat sought is for a theater or theater type setting (see column 3, lines 41-45).

8. As per claim 3, Helbling in view of Kay teaches the method of claim 1 as described above. Helbling further teaches the seat sought is for a stadium type setting (see column 4, lines 7-9).

9. As per claim 6, Helbling in view of Kay teach the method of claim 1 as described above. Helbling further teaches a communication connection between the central computer and the end user includes one of a wire, a cable, and a telephone connection (see column 4, lines 59-64).

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10. As per claim 16, Helbling in view of Kay teach the method of claim 1 as described above. Helbling further teaches a communication connection between the information server and the end user includes a wireless link (see column 7, lines 1-4).

11. As per claim 17, Helbling in view of Kay teach the method of claim 2 as described above. Helbling further teaches a communication connection between the central computer and the end user is wireless (see column 7, lines 1-4).

12. As per claim 24, Helbling teaches a method comprising: receiving at a central computer a request for a venue from at least one client node remote from and unaffiliated with the central computer 4, lines 35-43); transmitting, responsive to the request, from the central computer an indication of specific availability including a representation of a plurality of specific individual seats available in the venue, the indication of specific availability directed to the client node (see column 4, lines 35-43); receiving at the central computer a specific indication of a client preference identifying a particular individual seat for purchase from the plurality of specific individual seats available (see column 4, lines 49-55); and removing the client preferences from any future indication of specific availability (see column 4, lines 49-55).

13. Although the central station of Helbling appears to function as a server, Helbling does not *explicitly* teach that communication is performed with a server. However, Kay teaches a wide area network (Internet) in which a client communicates with a server to remotely purchase tickets to an event (see column 3, lines 27-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a wide area network architecture into the system of Helbling. One of ordinary skill in the art would have been motivated to incorporate such a network architecture for the purpose of enhancing the ease of access and providing more widely available access to the information supplied by Helbling (see column 3, lines 16-22 of Helbling) through an Internet-based architecture as described by Kay.

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14. As per claim 25, Helbling in view of Kay teach the method of claim 24 as described above. Helbling further teaches retrieving from a database an image showing a view from the seat indicated by the client preference (see column 7, lines 54-59); and transmitting the image to the client (see column 7, lines 54-59).

15. As per claim 26, Helbling in view of Kay teach the method of claim 24 as described above. Helbling further teaches the indication of specific availability includes a graphical representation of at least a portion of a seating chart for the venue, and wherein the graphical representation shows available seats in a first representation and previously sold seats in a second representation (see column 4, lines 35-43).

16. As per claim 27, Helbling in view of Kay teach the method of claim 24 as described above. Helbling does not explicitly teach the specific availability is transmitted as one of an HTML page and a java applet. However, Kay teaches an internet based ticket reservation system in which web pages and HTML documents are transmitted from a server to a client (see column 5, lines 17-39. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such an Internet-based architecture into the system of Helbling for the reasons given above with respect to claim 24.

17. As per claim 28, Helbling in view of Kay teach the method of claim 26 as described above. Helbling further teaches linking the representation of a seat to an image of a view from that seat (see column 4, lines 43-48).

18. As per claim 29, Helbling in view of Kay teach the method of claim 24 as described above. Helbling further teaches accepting payment information at the central computer sufficient to permit access to the specific client preference (see column 4, lines 49-55); conducting an electronic payment transaction (see column 4, lines 49-55); and providing an electronic receipt (see column 4, lines 56-58).

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19. As per claim 30, Helbling teaches a method comprising: requesting information about a venue across a network from a client node to be supplied by an unaffiliated central computer node (see column 5, lines 38-40); receiving an indication of available individual seats in the venue for purchase at the client node, the indication including a representation of a plurality of available individual seats (see column 5, lines 41-49); selecting by the user from the plurality of individual seats available a specific seat for purchase (see column 5, lines 50-53); and receiving an indication nthat the specific seat has been reserved through the central computer node (see column 5, lines 54-61).

20. Although the central station of Helbling appears to function as a server and the network of central station and kiosks appears to function as a wide area network, Helbling does not *explicitly* teach that communication is performed with a server via a wide area network. However, Kay teaches a wide area network (Internet) in which a client communicates with a server to remotely purchase tickets to an event (see column 3, lines 27-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a wide area network architecture into the system of Helbling. One of ordinary skill in the art would have been motivated to incorporate such a network architecture for the purpose of enhancing the ease of access and providing more widely available access to the information supplied by Helbling (see column 3, lines 16-22 of Helbling) through an Internet-based architecture as described by Kay.

21. As per claim 31, Helbling in view of Kay teach the method of claim 30 as described above. Helbling further teaches the indication of specific availability includes a graphical representation of at least a portion of a seating chart for the venue, and wherein the graphical representation shows available seats in a first representation and previously sold seats in a second representation (see column 4, lines 35-43).

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22. As per claim 32, Helbling in view of Kay teach the method of claim 31 as described above. Helbling further teaches selecting comprises clicking on a desired seat (see column 4, lines 25-31).

23. As per claim 33, Helbling in view of Kay teach the method of claim 32 as described above. Helbling further teaches receiving an image of a view from the desired seat responsive to the clicking (see column 4, lines 43-46).

24. As per claim 34, Helbling in view of Kay teach the method of claim 30 as described above. Helbling further teaches supplying payment information for the specific seat (see column 4, lines 49-55); and receiving an electronic receipt sufficient to permit access to the seat (see column 4, lines 56-58).

25. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helbling et al., U.S. Patent No. 5,797,126 in view of Kay, U.S. Patent No 6,223,166 and further in view of Walker et al., U.S. Patent No. 5,897,620.

26. As per claim 4, Helbling in view of Kay teach the method of claim 1 as described above. Helbling does not explicitly teach that the seat sought is for an airplane or airliner. However, network-based airline seat reservation systems are old and well known in the art as evidenced by Walker (see column 2, lines 43-53). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the system of Helbling to enable airline seat reservation. One of ordinary skill in the art would have been motivated to expand the system in such a manner for the purpose of enhancing the functionality and purchasing capabilities of the up-to-date and immediate access to ticket purchases of Helbling (see column 3, lines 31-37 of Helbling).

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27. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helbling et al., U.S. Patent No. 5,797,126 in view of Kay, U.S. Patent No 6,223,166 and further in view of Thomas et al., U.S. Patent No. 6,301,574.

28. As per claim 11, Helbling in view of Kay teach the method of claim 1 as described above. Helbling does not explicitly teach a communication connection between the central computer and the end user includes a satellite link. However, such a communication connection is old and well known in the art as evidenced by Thomas (see column 4, lines 18-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a communication link. One of ordinary skill in the art would have been motivated to incorporate such a communication link for the purpose of enhancing the ease of access and providing more widely available access to the information supplied by Helbling (see column 3, lines 16-22 of Helbling).

Response to Arguments

29. In the remarks filed 3/28/06, Applicants argue in substance that Huegel fails to teach certain features of the claims as now amended. The Examiner has fully considered Applicants' remarks but has applied a new grounds of rejection based on the changes made by Applicants to the claims. Therefore, these arguments are now moot in view of the new grounds of rejection detailed above.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Sehr teaches an electronic ticketing system that enables selection of available seats from a display.
- Wilder teaches a ticket sales and dispensing system that enables users to selected and view available seats.

31. Applicant's amendment to indicate that available seats are displayed to an end user who then selects a specific seat from the seats displayed necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

32. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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35. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/8/06


C. LUKE GILLIGAN
PATENT EXAMINER